

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 2 and 8 are currently being canceled.

Claims 1 and 7 are currently being amended.

Claims 15-22 are currently being added.

This amendment adds, cancels and amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1, 3-7 and 9-22 are now pending in this application, whereby claims 3-6, 10 and 11 are withdrawn from consideration (and whereby Applicants disagree with the withdrawal of claim 3, as discussed below).

Statement Concerning Election/Restriction:

On page 2 of the Office Action, it correctly notes that claim 12 should have been included in Group 1. However, the Office Action incorrectly asserts that claims 3, 13 and 14 should not be included in Group 1. It appears that the PTO is not aware of the preliminary amendment filed on January 22, 2002, whereby new claims 13 and 14 were added (claim 13 depends from claim 2, and claim 14 depends from claim 8), and whereby claim 3 was amended to depend from claim 1. Accordingly, claims 3, 13 and 14 should also have been examined in this application. The issue concerning whether or not claims 13 and 14 were 'original' claims is immaterial, since claims added at any stage during prosecution can be included in an elected group or species.

Also, please note that new claims 15-22 should be included with the claims of the elected Group 1.

Statement Concerning Information Disclosure Statement filed January 22, 2002:

Applicants note with appreciation the consideration of all references submitted with an Information Disclosure Statement (IDS) filed on July 8, 2004, by the inclusion of an initialed copy of the PTO Form SB/08 with the Office Action. However, with respect to the

IDS filed on January 22, 2002, the Examiner did not include initials besides references A3-A8. It is respectfully requested that the Examiner include a fully-initialed PTO Form SB/08 for the IDS filed on January 22, 2002, in the next PTO correspondence.

Double Patenting Rejection of Claims 1, 2, 7 and 12:

In the Office Action, claims 1 and 2 were rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claim 2 of copending Application No. 11/022,815; and claims 7 and 12 were rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claim 4 of copending Application No. 11/022,815. In accordance with the M.P.E.P., it is respectfully requested that this double patenting rejection be deferred until indication of allowable subject matter has been made in this application.

Claim Rejections – Prior Art:

In the Office Action, claims 1-2, 7-9 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,633,898 to Kishigami et al. in view of U.S. Patent No. 6,233,292 to Van Bezooijen et al. These rejections are traversed with respect to the presently pending claims under rejection, for at least the reasons given below.

Presently pending independent claim 1 has been amended to recite “means for shortening an AFC operation stop period when a frequency shift of the oscillation frequency is ~~large~~ greater than a first threshold value;

means for lengthening the AFC operation stop period when the frequency shift of the oscillation frequency is less than a second threshold value; and

means for maintaining the AFC operation stop period at a current value when the frequency shift of the oscillation frequency is a value that is less than the first threshold value and greater than the second threshold value,

wherein the first threshold value is greater than the second threshold value.”

Presently pending independent method claim 7 has been amended in a similar manner.

While Van Bezooijen et al. describes a digital communication device that performs long term updating at a first interval based on a short term drift compensation signal and that performs short term updating at a second interval based on a long term drift compensation signal, Van Bezooijen et al. does not teach or suggest the above-recited features of claim 1. In particular, Van Bezooijen et al.’s system continuously performs both long term and short

term compensation, irrespective of the current oscillation frequency. Also, Van Bezooijen et al. does not teach or suggest that no change in the updating intervals is done when the frequency shift of the oscillation frequency is less than a first threshold value and at the same time greater than a second threshold value.

Accordingly, presently pending independent claims 1 and 7 are patentable over the combined teachings of Kishigami et al. and Van Bezooijen et al.

The presently pending dependent claims under rejection are patentable due to their respective dependencies on either base claim 1 or base claim 7, as well as for the specific features recited in those dependent claims.

New Claims:

New claims 15-22 have been added to recite additional features of the present invention that are believed to provide a separate basis for patentability of those claims.

Conclusion:

Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicants believe that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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